

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY)	MDL No. 1456
AVERAGE WHOLESALE PRICE)	Master File No. 01-12257-PBS
LITIGATION)	(Original Central District of California
)	No. 03-CV-2238)
THIS DOCUMENT RELATES TO:)	Judge Patti B. Saris
State of California, <i>ex rel.</i> Ven-A-Care v.)	
Abbott Laboratories, Inc., <i>et al.</i>)	
CASE #: 1:03-cv-11226-PBS)	
)	

**DEFENDANTS' UNOPPOSED MOTION FOR LEAVE
TO FILE A RESPONSE TO PLAINTIFFS' SUPPLEMENTAL SUBMISSION IN
RESPONSE TO THE COURT'S REQUEST FOR CLAIMS EXAMPLES**

Pursuant to Local Rule 7.1(b)(3), Defendants listed below respectfully move this Court for leave to file Defendants' Response To Plaintiffs' Supplemental Submission In Response To The Court's Request For Claims Examples, attached hereto as Exhibit 1.

On September 11, 2006, this Court granted Plaintiffs' motion for leave to file their Supplemental Submission, which purports to provide examples of claims for each drug that allegedly was fraudulently billed to California's Medicaid program, Medi-Cal. Defendants maintain that a short response is warranted to demonstrate that the Supplemental Submission is incomplete and misleading, and, in any event, fails to show the existence of any false claims. Plaintiffs told Defendants that they do not oppose this motion.

Dated: October 5, 2006

SUBMITTED ON BEHALF OF ALL LISTED
DEFENDANTS BY:

/s/ Brian J. Murray

James R. Daly
Brian J. Murray
Tara A. Fumerton
JONES DAY
77 West Wacker Drive
Chicago, Illinois 60601
Telephone: (312) 782-3939
Facsimile: (312) 782-8585

Toni-Ann Citera
JONES DAY
222 East 41st Street
New York, New York 10017
Telephone: (212) 326-8376
Facsimile: (212) 755-7306

Abbott Laboratories Inc.
Armour Pharmaceutical Co.
Aventis Pharmaceuticals Inc.
B. Braun Medical Inc.
Baxter Healthcare Corp.
Ben Venue Laboratories, Inc.
Boehringer Ingelheim Corp.
Boehringer Ingelheim Pharmaceuticals, Inc.
Bristol-Myers Squibb Company
Dey, Inc.
Dey, L.P.
Immunex Corp.
Mylan Laboratories Inc.
Mylan Pharmaceuticals Inc.
Roxane Laboratories, Inc.
Sandoz Inc.
Schering-Plough Corp.
Warrick Pharmaceuticals Corp.
ZLB Behring LLC (f/k/a Aventis Behring LLC)

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on October 5, 2006, a copy to Lexis-Nexis for posting and notification to all parties.

/s/ Tara A. Fumerton

Tara A. Fumerton